

Notice of Allowability

Application No.

09/540,576

Examiner

Eric B. Kiss

Applicant(s)

FIELD ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the reply filed 26 May 2005.
2. ☒ The allowed claim(s) is/are 20 and 24-32, renumbered as 1-10.
3. ☒ The drawings filed on 30 October 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 20050708, 20050531
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____



TUAN DAM
SUPERVISORY PATENT EXAMINER

DETAILED ACTION

1. The reply filed 26 May 2005 has been received and entered. Claims 20 and 24-32 are pending.

Priority

2. Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged. However, the provisional application upon which priority is claimed fails to provide adequate support under 35 U.S.C. 112 for claims 20 and 24-32 of this application. This assertion was first provided by the Examiner in the Office action mailed 26 January 2005. Subsequently, in a telephone interview with Ramin Mahboubian (Reg. No. 44,890) on 8 July 2005, Mr. Mahboubian (Applicant's representative) indicated that his clients had indicated that they no longer wished to rely upon the priority claim, and acknowledged that the Examiner could remove said priority claim. No subsequent response to the contrary (such as an attempt to argue against the aforementioned Examiner's assertion or an attempt to otherwise perfect the priority claim) has been received. Accordingly, Applicant's claim for domestic priority under 35 U.S.C. 119(e) is denied (or alternately, revoked as per Applicant's wishes). The effective filing date of the instant application is 31 March 2000, the actual filing date of the instant non-provisional application.

Information Disclosure Statement

3. The information disclosure statement filed 26 May 2005 has not been considered, as it does not comply with the requirements of 37 CFR §1.98(a) or (b), *i.e.*, no listing of references to be considered was provided. In a telephone interview with Ramin Mahboubian (Reg. No.

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44,890) on 8 July 2005, the Examiner indicated the above fact and requested that Applicant resubmit the information disclosure statement complete with the required listing of documents.

On 8 July 2005, Applicant resubmitted the information disclosure statement as requested. The Examiner has considered the information cited therein.

Response to Amendment

4. The declarations under 37 CFR 1.132 filed 26 May 2005, along with Applicant's arguments, are sufficient to overcome the rejection of claims 20 and 24-32 based upon public use or sale under 35 U.S.C. §102(b) and obviousness over any public use, sale, or disclosure under 35 U.S.C. §103(a).

Allowable Subject Matter

5. Claims 20 and 24-32 are allowed, and are renumbered as 1-10 in accordance with 37 CFR 1.126.

6. The following is an examiner's statement of reasons for allowance: The prior art of record fails to expressly teach or fairly suggest the automatic generation of a front-end debugger portion in a platform independent programming language and a back-end debugger portion in a platform-specific programming language from the same formal communication protocol specification.

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7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion


8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Eric B. Kiss whose telephone number is (571) 272-3699. The Examiner can normally be reached on Tue. - Fri., 7:00 am - 4:30 pm. The Examiner can also be reached on alternate Mondays.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Tuan Dam, can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature should be directed to the TC 2100 Group receptionist: 571-272-2100.

EBK/EBK
August 15, 2005


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